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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/964,820	09/26/2001	David G. Leeper	42390P10398	2634

8791 7590 04/18/2007  
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LOS ANGELES, CA 90025-1030

EXAMINER
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FILE, ERIN M

ART UNIT	PAPER NUMBER
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2611

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/18/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

09/964,820

Applicant(s)

LEEPER, DAVID G.

Examiner

Erin M. File

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 1/23/2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-12, 14-17 and 23-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-12, 14-17 and 23-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 November 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Applicant's arguments, see Remarks, filed 1/23/2007, with respect to the rejection(s) of claim(s) 1-3, 5-12, 14-17, and 23-25 under Callaway have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Gosier.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 5, 7, 8, 11, 12, 14-16, 23, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gosier et al. (U.S. Pub. No. 2002/0159434).

**Claims 1, 14**, Gosier discloses:

- polling a first master transmitting device with a second master transmitting device to determine a hopping sequence of the first master transmitting device ([0105], lines 40-51, see also fig. 14, which discloses two base transceivers, which can be master devices to determine a hopping sequence)
- polling the first master transmitting device includes determining whether the first master transmitting device is receiving a signal from a slave transmitting device

(Gosier discloses slave devices as peripheral devices which use channels in communication with the base transceivers, [0105], lines 11-13, 16-21, 28-30, and the polling frequency hopping selection process includes polling the usable number of channels, or connection, [0105], lines 37-39).

**Claim 2**, Gosier further discloses polling the first master transmitting device includes polling the first master transmitting device across a local area network ([0001], lines 1-6 discloses low power short range wireless data transmission).

**Claim 3, 16**, Gosier further discloses polling the first master transmitting device includes polling the first master transmitting device with a wireless communication ([0001], lines 1-6 discloses low power short range wireless data transmission).

**Claim 5**, Gosier further discloses informing the first master transmitting device of communication characteristics of the hopping sequence of the second master transmitting device ([0105], lines 40-51, see also fig. 14, which discloses two base transceivers, which can be master devices to determine a hopping sequence).

**Claim 7**, Gosier further discloses polling the first master transmitting device includes polling a device selected from the group consisting of an access point, a base state, a network node, and a terminal ([0105], lines 40-51, discloses base transceivers which is a base state or station).

**Claim 8**, Gosier further discloses determining if a signal strength between a slave transmitting device and the second master transmitting device is approaching a predetermined threshold ([0105], lines 30-37 discloses threshold values are used to determine channel links).

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**Claims 11, 12**, Gosier further discloses changing the hopping sequence of the first master transmitting device so that master transmitting devices can communicate with a slave transmitting device ([0105], lines 36-51).

**Claims 15, 24**, Gosier further discloses polling the first master includes transmitting a packet over the network ([0013], lines 6-8).

**Claim 23**, Gosier discloses:

- a storage medium having stored instructions that are executable ([0086]-[0087] disclose the implementation of the invention of a computer or firmware)
- notifying a first master of the hopping sequence of the slave with a second master ([0105], lines 40-51, see also fig. 14, which discloses two base transceivers, which can be master devices to determine a hopping sequence);
- polling the first master to determine if the first master is receiving a signal from the slave device (Gosier discloses slave devices as peripheral devices which use channels in communication with the base transceivers, [0105], lines 11-13, 16-21, 28-30, and the polling frequency hopping selection process includes polling the usable number of channels, or connection, [0105], lines 37-39).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6, 9, 10, 17, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Callaway, Jr. et al. (U.S. Patent No. 6,275,500) as applied to claims 1, 8, 14, and 23 above, and further in view of Trampower et al. (U.S. Patent No. 6,088,591).

**Claims 6, 9**, Gosier fails to disclose transferring responsibility to provide communication between a network and a slave transmitting device from the second master transmitting device to the first master transmitting device, however, Trampower discloses the method of handing over a mobile terminal from one base station to another (col. 9, lines 47-51) after hopping sequences have been exchanged (col. 21, lines 7-60). Because Trampower discloses his invention allows for reduced downtime in handoff and frequency allocation operations (abstract, lines 1-5) it would have been obvious to one skilled in the art at the time of invention to incorporate the invention as disclosed by Trampower into Gosier.

**Claims 10, 17**, Gosier fails to disclose polling the first master transmitting device includes updating a table of near neighbors, however, Trampower et al describes the updating of roaming tables of mobile stations, which in turn update other base stations and terminals after handoff (col. 24, lines 21-43). Therefore "neighboring" base station tables are updated using this method. Because Trampower discloses his invention allows for reduced downtime in handoff and frequency allocation operations (abstract, lines 1-5) it would have been obvious to one skilled in the art at the time of invention to incorporate the invention as disclosed by Trampower into Gosier.

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**Claim 25**, Gosier fails to disclose determining if a signal strength between the slave and the second master is approaching a predetermined threshold, however, Trompower describes a method of handing off a mobile terminal once the signal strength falls below a threshold value (col. 31, lines 44-48; Col. 29, lines 5-46). Because Trampower discloses his invention allows for reduced downtime in handoff and frequency allocation operations (abstract, lines 1-5) it would have been obvious to one skilled in the art at the time of invention to incorporate the invention as disclosed by Gosier.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erin M. File whose telephone number is 5712726040. The examiner can normally be reached on M-F 1-9:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Payne can be reached on 5712723024. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

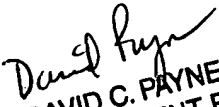
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Erin M. File

EMF

4/5/2007

  
DAVID C. PAYNE  
SUPERVISORY PATENT EXAMINER